

HONORABLE THOMAS O. RICE

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*Counsel for Defendant Ryan Lamberson*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

Plaintiff,

vs.

RYAN LAMBERSON,

Defendant.

No. 2:13-CV-00395-TOR

SECOND DECLARATION OF J.  
CHRISTOPHER LYNCH IN  
SUPPORT OF DEFENDANT'S  
REPLY ON MOTION TO COMPEL  
DISCOVERY OR FOR ISSUANCE  
OF LETTERS OF REQUEST

I, J. Christopher Lynch, declare as follows:

1. I am over 18 years of age and am competent to testify. I make this declaration based on my own personal knowledge. I am one of the attorneys for Defendant, Ryan Lamberson (hereinafter, "Mr. Lamberson").

SECOND DECLARATION OF  
J. CHRISTOPHER LYNCH - 1

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1           2.     Motions are pending in the District of Maryland in Cases 1:14-cv-0223,  
2     1:14-cv-0257; and 1:14-cv-0263 (all captioned Malibu Media Inc v. Does) which  
3     are relevant to the two pending Motions in this matter (ECF Nos. 37 and 42).  
4

5           3.     In those Maryland matters, the accused Does have brought Motions to  
6     Show Cause why the evidence and testimony of Michael Patzer and Tobias Fieser  
7     should be excluded and the cases consequently dismissed for lack of admissible  
8     evidence. In the 1:14-cv-0223 case, this Motion is ECF No. 8 and 9; the Response  
9     is ECF No. 19; the Reply is ECF No. 27.  
10

11           4.     As Exhibit A, I attach a copy of the Reply Brief in that Maryland action  
12     (ECF No. 27) because it cites to evidence in this case Elf-Man v. Lamberson. The  
13     Reply explains that Mr. Patzer is the same witness as in the Lamberson case, and  
14     that Mr. Fieser plays the same role in the Maryland case that Mr. Macek plays in the  
15     Lamberson case.  
16

17           5.     In both the Maryland cases and in this Washington case, the accused  
18     defendants are confronted with evidence only from German investigators and in both  
19     cases the plaintiff has not been forthright as to the relationships of the plaintiff to the  
20     investigators.  
21

22           6.     The Motions, evidence, and argument in the Maryland actions is further  
23     evidence that Elf-Man LLC is engaged in sham litigation in this case, warranting  
24     evidence that Elf-Man LLC is engaged in sham litigation in this case, warranting  
25     evidence that Elf-Man LLC is engaged in sham litigation in this case, warranting  
26

1 denial of plaintiff's pending Motion to Dismiss (ECF No. 37) and warranting  
2 granting of defendant's pending Motion to Compel (ECF No. 42).

3  
4 7. Additionally, plaintiff's counsel has yet to reply as to the discovered  
5 discrepancies of the locations of the witnesses it suggests Mr. Lamberson travel to  
6 Germany to depose. I wrote to plaintiff's counsel showing the discrepancy on May  
7 19, 2014 (ECF No. 51-9) and again on May 22, 2014 (ECF No. 53-1). The  
8 discrepancies include that Mr. Patzer is identified in the Initial Disclosures in this  
9 case as residing in Germany, but in another case as residing in the United Kingdom.  
10 As of this date, Plaintiff's counsel has provided no answer to this inquiry.  
11

12  
13 8. Plaintiff's inability to identify the country of residence and addresses of  
14 its only witnesses is additional evidence that the equities warrant granting of  
15 defendant's pending Motion to Compel (ECF No 42).  
16

17 9. I declare under penalty of perjury under the laws of the State of  
18 Washington that the foregoing is true and correct.  
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SECOND DECLARATION OF  
J. CHRISTOPHER LYNCH - 3

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1 DATED this 2<sup>nd</sup> day of June, 2014, in Spokane, Washington.

2 LEE & HAYES, PLLC  
3

4 By: s/ J. Christopher Lynch

5 J. Christopher Lynch, WSBA #17462

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13 *Counsel for Defendant Ryan Lamberson*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of June, 2014, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Maureen C. VanderMay [efile@vandermaylawfirm.com](mailto:efile@vandermaylawfirm.com)

LEE & HAYES, PLLC

By: s/ J. Christopher Lynch

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